

JC10 Rec'd PCT/PTO 31 DEC 2001

#5

IN THE UNITED STATES RECEIVING OFFICE (US/DO/EO)

Applicants: Brian Leyland-Jones and Pierre Wong

U.S. Application No.: 09/936,507

International  
Application No.: PCT/CA00/00246

International  
Filing Date: 9 March 2000

For: ELISA KIT FOR THE DETERMINATION OF METABOLIC  
PHENOTYPES

Date: December 31, 2001

EXPRESS MAIL LABEL NO. EV 044390755 US

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

Assistant Commissioner for Patents  
Box PCT (DO/EO)  
Washington, D.C. 20231

Sir:

Enclosed herewith is a copy of the *Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)*. The required Declaration/Power of Attorney and surcharge in the amount of \$130.00 were filed in the U.S. Receiving Office, via Express Mail procedures, on November 8, 2001 before receipt of the Notification of Missing Requirements (Form PCT/DO/EO/905). Copies of the Transmittal of Declaration/Power of Attorney, Declaration/Power of Attorney and Notice of Change of Correspondence Address, together with executed Declaration documents (6 pages), as well as copies of our postcard receipt and Express Mail label, are enclosed for the convenience of the Patent Office.

The *Notification of Missing Requirements* indicates that a Sequence Listing must be provided. However, this application does not include any nucleotide or amino acid sequences. Therefore, Applicants' Attorney respectfully requests that this requirement be removed.

09/936,507

-2-

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By David E. Brook

David E. Brook

Registration No.: 22,592

Telephone (978) 341-0036

Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Date: 12/21/01



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,507	Brian Leyland Jones	3298.1000-000

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/CA00/00246

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

03/09/2000

03/15/1999

David E. Brook  
 Hamilton Brook Smith & Reynolds  
 Two Militia Drive  
 Lexington, MA 02142

DOCKETED

CE2

20 JAN 2002 DSD  
 SES  
 IDS  
 GDD

CONFIRMATION NO. 6118

371 FORMALITIES LETTER



\*OC000000007093393\*

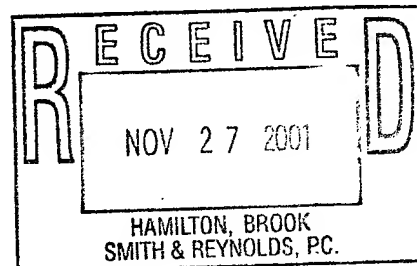
Date Mailed: 11/20/2001

COPY

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Small Entity Statement



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

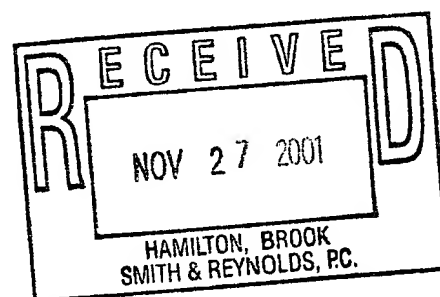
*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,507	PCT/CA00/00246	3298.1000-000



COPY

Initials: DEB/DES/jks

Docket No.: 3298.1000-000

Date: 11/8/01

This is to acknowledge receipt of the following documents each filed under Express Mail Label No. EV044390865US:

— Reply to Notice to File Missing Parts w/copy (Formalities Letter Attached) — including Pet Ext Time w/fee

☒ EXECUTED DECL/POA 2 docs 6 pages

☐ FILING FEE w/Fee Transmittal w/copy        Stmt of Small Entity Status

☒ SURCHARGE included        SEQ LIST (separate transmittal)

☐ SUBSTITUTE DRAWINGS [        ] sheets Figs. 1 - [        ]

☒ Check for \$ 130.00        Authorization to Charge all Fees

☒ Other DECLARATION/POWER OF ATTORNEY AND NOTICE OF

CHANGE OF CORRESPONDENCE ADDRESS

Applicants: Brian Leyland-Jones and Pierre Wong

U.S. National Phase of PCT/CA00/00246 International Filing Date: March 9, 2000

Corresponding to Application No.: 09/936,507 Deposit Date: September 12, 2001

Title: ELISA KIT FOR THE DETERMINATION OF METABOLIC PHENOTYPES

Date received by the PTO:

# COPY



## POST OFFICE TO ADDRESSEE



EV 044390865 US



SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

Customer Copy  
Label 11-F August 2000

<b>ORIGIN (POSTAL USE ONLY)</b>		
PO ZIP Code: 02228	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 11/8/01	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time In 9:25 AM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 1.025 lbs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials H	Total Postage & Fees \$ 13.25

<input type="checkbox"/> <b>WAIVER OF SIGNATURE</b> (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature

<b>CUSTOMER USE ONLY</b>	
<b>METHOD OF PAYMENT:</b> Express Mail Corporate Acct. No.	
<b>FROM: (PLEASE PRINT)</b> DEIRDRE E. SANDERS, ESQ. HAMILTON BROOK SMITH & REYNOLDS PC 530 VIRGINIA RD PO BOX 9133 CONCORD MA 01742-9133	<b>PHONE:</b> 978, 341-0036
3298.1000-000 DEB/DES/jks	

<b>TO: (PLEASE PRINT)</b> ASSISTANT COMMISSIONER FOR PATENTS BOX PCT (DO/EO) WASHINGTON, D.C. 20231	
<b>PHONE:</b> ( )	

FOR PICKUP OR TRACKING CALL 1-800-222-1811 [www.usps.com](http://www.usps.com)



IN THE UNITED STATES RECEIVING OFFICE (US/DO/EO)

Applicants: Brian Leyland-Jones and Pierre Wong

U.S. National Phase of:

International Application No.: PCT/CA00/00246

International Filing Date: March 9, 2000

**COPY**

U.S. Application No.: 09/936,507

Deposit Date: September 12, 2001

For: ELISA KIT FOR THE DETERMINATION OF METABOLIC PHENOTYPES

Date: <u>11-8-01</u>
EXPRESS MAIL LABEL NO. <u>EV044390865US</u>

TRANSMITTAL OF DECLARATION/POWER OF ATTORNEY

Assistant Commissioner for Patents  
Box PCT (DO/EO)  
Washington, D.C. 20231

Sir:

Enclosed for filing in the U.S. Receiving Office are two executed Declaration/Power of Attorney documents, one for each of the inventors for the above-referenced patent application. The Declaration/ Power of Attorney documents are being filed before receipt of the Notification of Missing Requirements (Form PCT/DO/EO/905).

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Deirdre E. Sanders  
Deirdre E. Sanders  
Registration No.: 42,122  
Telephone (978) 341-0036  
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Date: November 8, 2001

**EV044390865US**